

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE COALITION TO PROTEST THE
DEMOCRATIC NATIONAL CONVENTION
et al.,

Plaintiffs,

v.

THE CITY OF BOSTON, et al.

Defendants.

Docket No.

04 - 11608 DPW

DECLARATION OF STEVE KIRSCHBAUM

I, Steve Kirschbaum, declare:

1. My name is Steve Kirschbaum. I make this affidavit based on personal knowledge.
2. I am a member of United Steel Workers of America, Local 8751 ("Local 8751"), and a member of the Boston branch of Act Now to Stop War and End Racism ("ANSWER Boston").
3. Local 8751 and ANSWER Boston are members of a larger umbrella coalition called the Coalition to Protest the Democratic National Convention (the "Coalition"). The Coalition is a diverse group of political organizations, labor unions, and Boston City Councilors. In addition to Local 8751 and ANSWER Boston, these groups include the New England Human Rights Organization for Haiti, the Women's Fight Back Network, the International Action Center, Union of Minority Neighborhoods, Greater Roxbury Workers Association, Chelsea Uniting Against the War, Stonewall Warriors, City Councilor Chuck Turner, and City Councilor Felix Arroyo.
4. These groups and individuals banded together to form the Coalition for the purpose of demonstrating and communicating their political messages to the delegates, the media, and the world during the 2004 Democratic National Convention ("the Convention") in Boston, Massachusetts.
5. Among other things, the Coalition members have banded together to speak out during the DNC against the unjust, racist, and imperialist war policies and platform of the Democratic Party

and the DNC, and to show that we are a broad political constituency that cannot be silenced and demand that the troops be brought home now! We will not be ignored.

6. On or about June 11, 2004, ANSWER Boston submitted to the Mayor's Office of Consumer Affairs and Licensing ("OCAL") an application for permission to hold rallies and parades on Sunday July 25, 2004, and two separate applications for rallies and parades to occur each day from July 26 - 29. The applications were submitted on behalf of the Coalition, and listed me, as a member of ANSWER Boston, as one of the contact people. The applications included proposed parade routes. A true and correct copy of the July 25, 2004, application is attached hereto as Exhibit A. The July 26 - 29 applications are attached hereto as Exhibit B.

7. As detailed on the proposed parade route included in Exhibit A, the July 25th parade would leave from the Boston Common at 2:00 p.m. and would proceed, in part, along Causeway Street in front of the Fleet Center before bearing right onto Canal Street and ultimately returning back to the Common. The July 26 - 29 events are being held at Government Center and Faneuil Hall. Accordingly, the parade routes are slightly different, but each includes the critical Causeway Street leg. The July 26 - 29 parades are expected to start between 6:00 p.m. and 7:00 p.m.

8. The July 25th application indicate that the rally is expected to have approximately 2000 attendees. It is my expectation that the weekday parades on July 26 - 29 will be substantially smaller.

9. Sometime between June 11, 2004, and June 24, 2004, OCAL notified ANSWER Boston that the Coalition's applications had been conditionally approved with respect to the requested rallies, but that the requests for parade permits had been denied.

10. On June 24, 2004, I and other Coalition representatives (including ANSWER Boston, USWA Local 8751, the Women's Fightback Network, the International Action Center, Councilor Turner's office, and others) attended a meeting with representatives of the Boston Police Department, OCAL, and the Boston Transportation Department, among others. The City had convened the meeting to discuss the Coalition's request for parade permits.

11. At the June 24 Meeting, the City confirmed its previous denial of the Coalition's request to march on Causeway Street, but indicated that the City would propose an alternative route.

12. On or about July 7, 2004, the City provided us with the approved routes. A true and correct copy of the approved parade routes received from the City is attached hereto as Exhibit C. Although the signatures are difficult to read, it appears that the permits were signed by Richard Loring and someone purporting to sign on behalf of Transportation Commissioner Andrea d'Amato.

13. The approved routes do not include Causeway Street. Instead, they shunts the parades along side streets in the neighborhood near the Fleet Center, and ultimately along Rip Valenti Way and into an enclosed "protest pen" established by the City, out of range and out of sight of Causeway, the Fleet Center, and the DNC.

14. The Coalition's proposed route along Causeway Street was intended to ensure that marchers are able to communicate their political message directly to the DNC, DNC officials and delegates, onlookers and the news media.

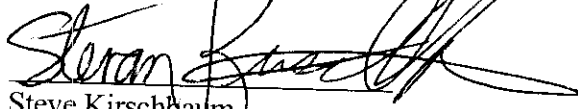
15. The Coalition members are diverse political groups and individuals uniting here with a common message of protest against the democratic party. One of the essential elements of our message to the DNC is that we oppose their platform of war and racism. We demand that the Troops be brought home now!. We cannot be silenced and we will not be ignored.

16. To convey that message, it is essential that we be able to march face to face with the DNC delegates and officials and the DNC itself. The act of parading right along side the DNC is our way of expressing our unconditional opposition to the Kerry/Edwards platforms of war and racism, to demand that the troops be brought home now, and to show the DNC, and the country, that we cannot be silenced and we will not be ignored.

17. The route approved by the City completely silences that message, by requiring the parade to proceed primarily down side streets that are removed from the Fleet Center. This entirely deprives us of access to the intended audience for our message -- the Convention officials, delegates, and members of the news media. It also deprives us of the expressive act of marching face to face with the DNC itself, and in fact fundamentally alters the Coalition's message by suggesting that contrary to the message we seek to convey, the power structure can and will relegate us to an unacceptable, segregated protest pen.

18. The Coalition intends to march accompanied by its own security personnel, which consists of approximately 200 trained, experienced, radio-equipped volunteers prepared to help maintain order and to assist any persons in need during the parade.

Signed under the pains and penalties of perjury this 19th day of July, 2004.


Steve Kirschbaum